

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA )  
                                ) Case No. 1:23-cr-91  
v. )  
                                ) Judge Travis R. McDonough  
                                )  
HALEY KENNEDY              ) Magistrate Judge Mike Dumitru

---

**ORDER**

---

Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw her not guilty plea as to Count One of the one-count Indictment; (2) accept Defendant's guilty plea to the lesser included offense of the charge in Count One of the Indictment, that is, distribution of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (fentanyl), a Schedule II controlled substance, in violation of Title 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(C) (the "Lesser Included Offense"); (3) adjudicate Defendant guilty of the Lesser Included Offense; (4) defer a decision on whether to accept the plea agreement (Doc. 32) until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter (Doc. 38). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's report and recommendation (Doc. 38) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw her not guilty plea to Count One of the one-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the Lesser Included Offense is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of the Lesser Included Offense;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **July 25, 2025 at 9:00 a.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

/s/*Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**